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PATENT APPLICATION


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : McVay et al.
Title : VARIABLY CONFIGURED EXERCISE DEVICE
Application No. : 10/758,448
Filing Date : January 15, 2004
Confirmation No. : 5624
Docket No. : 23156-151

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

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Signature

Christina R. Correll

Typed or printed name of person signing Certificate

Associated Papers:

1. Transmittal Form (1 Page);
2. Supplemental Information Disclosure Statement (2 Pages); and
3. PTO/SB08A (1 Page).

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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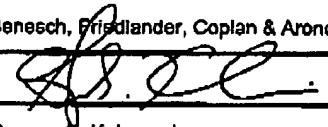
Total Number of Pages in This Submission

Application Number	10759,448
Filing Date	01/15/2004
First Named Inventor	McVay et al.
Art Unit	3784
Examiner Name	Amerson, L.
Attorney Docket Number	23156-151

ENCLOSURES (Check all that apply)

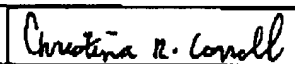
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): PTOSB08A
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Benesch, Friedlander, Coplan & Aronoff LLP		
Signature			
Printed name	Gregory S. Kolocouris		
Date	August 16, 2005	Reg. No.	47,714

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Christina R. Cornell	Date	August 16, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of : McVay et al.
Application No. : 10/758,448
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Title : **VARIABLY CONFIGURED EXERCISE DEVICE**

M.S. Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Examiner:

1. This Supplemental Information Disclosure Statement ("Supplemental IDS") is filed in accordance with 36 C.F.R. §§ 1.56, 1.97 and 1.98. The items listed on the enclosed Form PTO/SB/08A may be deemed to be pertinent to the above-referenced application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

2. Pursuant to 37 C.F.R. § 1.97(g), the filing of this Supplemental IDS shall not be construed as a representation that a search has been made.

3. Pursuant to 37 C.F.R. § 1.97(h), the filing of this Supplemental IDS shall not be construed as an admission that the information cited in this Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

4. Pursuant to 37 C.F.R. § 1.97(c) this Supplemental IDS is being filed *after* the period specified in 37 C.F.R. § 1.97(b), but *before* the mailing date of either: a Final Office Action under C.F.R. § 1.113 or a Notice of Allowance under C.F.R. § 1.311, whichever occurs first. Accordingly, this Supplemental IDS is accompanied by:

(X) the Statement as specified in C.F.R. § 1.97(e); or

() the fee set forth in C.F.R. § 1.17(p). A fee is due for consideration of this Supplemental IDS and the fee is paid below.

STATEMENT:

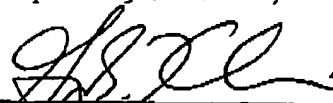
The undersigned hereby certifies that no item of information contained in this Supplemental IDS was cited in a communication from a foreign patent office in a counterpart foreign application, or to the undersigned's knowledge, after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than 3 months prior to the filing of this Supplemental IDS.

The Commissioner is hereby authorized to charge any additional fees required for consideration of this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 02-2051, identifying our Docket No. 23156-151.

Respectfully Submitted,

Dated: August 16, 2005

By:


Gregory S. Kolocouris
Reg. No. 47,714

BENESCH, FRIEDLANDER,
COPLAN & ARONOFF, LLP
2300 BP Tower
200 Public Square
Cleveland, Ohio 44114-2378
(216) 363-4453

PTO/SB/DBA (07-05)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO

(Use as many sheets as necessary)

Sheet	1	of	1
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Complete If Known

Application Number	10/758,448
Filing Date	01/15/2004
First Named Inventor	McVay et al.
Art Unit	3784
Examiner Name	Amerson, L.
Attorney Docket Number	23156-151

[illegible][illegible]

**Examiner
Signature**

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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